UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

LATINO EXPRESS, INC.

and

Case 13-CA-077678

TEAMSTERS LOCAL UNION NO. 777, AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, AFL-CIO

ORDER¹

The Request for Special Permission to Appeal Administrative Law Judge David I.

Goldman's rulings denying the motion to intervene filed by decertification petitioner

Ramiro Lopez and other employees, and the petition to revoke the Acting General

Counsel's subpoena ad testificandum A-909671 filed by their attorney, Matthew

Muggeridge, is denied.

We find that the judge's denial of the motion to intervene was not an abuse of discretion, as it falls within established precedent concerning decertification petitioners' requests to intervene in unfair labor practice proceedings. We further find that the judge's denial of the petition to revoke the subpoena ad testificandum was not an abuse of discretion, as the subpoena seeks information relevant to the matters at issue, and counsel for the Acting General Counsel has affirmatively stated that he is not seeking testimony that is protected by the attorney-client privilege or the attorney work-product doctrine.²

Finally, we conclude that the judge's October 22, 2012 Order clarifying his

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² Although we have affirmed the judge's ruling on the subpoena, this of course does not preclude the parties from entering into stipulations or agreeing to other measures that would obviate the need for the attorney's testimony.

original sequestration order as it applies to Muggeridge adequately accommodates his clients' interests in having him represent them.

Dated, Washington, D.C., November 27, 2012.

MARK GASTON PEARCE, CHAIRMAN RICHARD F. GRIFFIN, JR., MEMBER

SHARON BLOCK, MEMBER